IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 18.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.2433 of 2001

E.Manimegalai .. Appellant/Petitioner

Vs.

1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3.The Central Bank of India,
Regional Office,
14 & 15, Variety Hall Road,
Coimbatore - 1. . Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 11.10.2001 made in W.P.No.5658 of 1997.
Petition presented to this Court under article 226 of the Constitution of India to issue a writ of certiorarified Mandamus calling for the entire records of the first respondent comprised in his proceedings in ROC NO. 24246/96/D 15 dated 28.03.1997 and quash the said proceedings of the first respondent dated 28.03.1997 and consequently direct the second respondent to issue a community certificate certifying that the petitions belongs to Konda reddi community.
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For Appellant : Mr.M.Venkatachalapathy,
Sr. Counsel for Mr.M.Sriram

For respondents : Mr.K.Elango,
Spl. Govt. Pleader for R1 & R2
Mr.R.Karthik for
M/s.T.S.Gopalan & Co., for R3

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 11.10.2001 made in W.P.No.5658 of 1997, in and by which, the learned single Judge has disposed the writ petition giving liberty to the petitioner to file an appeal.

2. Heard the learned Senior counsel for the appellant as well as the respondents.

3. In view of the order to be passed here under, it is unnecessary to refer all the factual details as stated by both parties.

4. It is not in dispute that as per the decision of the Division Bench of this Court reported in 2006 (1) Law Weekly 492 (V.VALLINAYAGAM VS. THE GOVERNMENT OF TAMIL NADU AND FOUR OTHERS) and after the constitution of Three Member District Level Caste Scrutiny Committee, the matter in issue has to be considered by the said Committee and depending on the decision by the Committee, further action will be taken. It is also brought to our notice that in G.O. Ms.No.111 dated 06.07.2005, the state Government has constituted Three Member District Level Caste Scrutiny Committee. The above aspect is not disputed by any of the parties.

5. In view of the same, the order of the learned single dated 11.10.2001 as well as the order of the District Collector, Salem dated 28.03.1997 are set aside and the matter is remitted to the Three Member District Level Caste Scrutiny Committee to verify the genuineness of the community status of the appellant/petitioner. The Committee is directed to consider the same and give its reasoning within a period of six months from the date of receipt of a copy of this order, after affording adequate opportunity to the appellant/petitioner. The Committee is further directed to arrive at a conclusion based on the materials to be placed, not with reference to the earlier report submitted by the Revenue Divisional Officer, Mettur. The appellant/petitioner is directed to co-operate with the Committee.

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6. The writ appeal is allowed on the above terms. No costs.

Raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Collector,
Salem.

2.The Revenue Divisional Officer,
Mettur, Salem District.

3. The Central Bank of India, Regional Office,
14 and 15 Variety Hall Road,
Coimbatore – 1.

+ one cc to the Government Pleader sr no. 3145
+ one cc to Mr. A. Sriram, Advocate sr no,. 2990
+ one cc to Mr. T.S. Gopalan, Advocate r no. 2847

akm(co)
nm(30.01.07)

W.A.No.2433 of 2001

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